

1 [Submitting Counsel on Signature Page]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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IN RE JUUL LABS, INC., MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

Case No. 19-md-02913-WHO

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This Document Relates to:

**ADMINISTRATIVE MOTION
TO CONSIDER WHETHER
ANOTHER PARTY'S
MATERIAL SHOULD BE
SEALED**

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Bain v. JUUL Labs, Inc., et al.

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1 **TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:**

2 Under Civil Local Rules 7-11 and 79-5(f) and the Court's January 19, 2021 Amended
 3 Protective Order (Dkt. No. 1282), Plaintiffs move the Court to consider whether exhibits to
 4 Plaintiff's Response and Chronology Regarding Recently Disclosed Trial Witnesses designated
 5 as "Confidential" or "Highly Confidential", or that otherwise disclose potentially confidential,
 6 proprietary, or private information, should be sealed.

7 **Material to Be Filed Under Seal**

8 Paragraph 58 of the Amended Protective Order prohibits a party from filing in the public
 9 record any disclosure or discovery material that is designated as confidential, highly confidential,
 10 or highly confidential – outside counsel only ("Protected Material") without written permission
 11 from the Designating Party or a court order secured after appropriate notice to all interested
 12 persons. Protected Material includes portions of pleadings that contain, summarize, or reflect the
 13 Protected Material. Dkt. No. 1282 at ¶ 58.

14 Defendants have designated materials contained and referred to in the exhibits to
 15 Plaintiff's Response and Chronology Regarding Recently Disclosed Trial Witnesses as
 16 confidential, highly confidential, or highly confidential – outside counsel only under the
 17 Amended Protective Order. *Id.*

18 Plaintiffs request that the Court consider whether the following documents should be filed
 19 under seal:

Document	Description	Designating Party(ies)
Exhibit F	Document produced by JLI in discovery	Juul Labs Inc.
Exhibit H	Document produced by JLI in discovery	Juul Labs Inc.
Exhibit K	Exhibit to the Oral Sworn Statement of Camesheann Tabitha Wakefield	Juul Labs Inc.

23 Under Local Rules 79-5(f)(3), the Designating Parties bear responsibility to establish that
 24 all of the designated material is sealable, and must "file a statement and/or declaration as
 25 described in subsection (c) (1)" of the Local Rules. None of the information at issue was
 26 designated as confidential by Plaintiffs. Plaintiffs take no position at this time on whether the
 27 designated portions satisfy the requirements for sealing, and specifically reserve the right to
 28 challenge any "CONFIDENTIAL," "HIGHLY CONFIDENTIAL," or "HIGHLY

1 CONFIDENTIAL – OUTSIDE COUNSEL ONLY” designation under the Amended Protective
2 Order as well as the sealability of these documents under Civil Local Rule 79-5.

3 This motion complies with Civil Local Rule 7-11 and 79-5, and is accompanied by
4 versions of the foregoing documents the following attachments accompany this motion:

- 5 1. The Declaration of Sarah R. London in Support of this Motion; and
6 2. A Proposed Order that lists in tabular format all material sought to be sealed.

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1 Dated: February 20, 2022

2 Respectfully submitted,

3 By: /s/ Sarah R. London

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5 Sarah R. London
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37 *Co-Lead Counsel for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 20, 2022, I electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF system, which will automatically send notification
4 of the filing to all counsel of record.

5 By: /s/ Sarah R. London
6 Sarah R. London

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